



**WaltzerWiygulGarside**  
LAW FIRM

Robert B. Wiygul  
Partner

robert@wwglaw.com

October 19, 2017

E. N. Bisso & Son, Inc.  
c/o Michael F. Vitt, Registered Agent  
1 Walnut St  
New Orleans, LA 70118

A.T. Higgins, III  
Vice-President  
E.N. Bisso & Son, Inc.  
149 Cherry Creek Dr  
Mandeville, LA 70448

Re: Notice of Intent to File Citizen Suit Under Section 505(b)(1) of the Federal Water Pollution Control Act ("Clean Water Act"), 33 U.S.C. § 1365(b)

Dear Msrs. Vitt & Higgins:

This letter is to give you notice that the Louisiana Environmental Action Network, Inc. ("LEAN") and the Lower Mississippi RIVERKEEPER® intend to sue E. N. Bisso & Son, Inc. ("Bisso") for polluting the Mississippi River and failing to file reports on numerous occasions in the short operating history of its Fleet facility, in violation of the terms of the applicable discharge permits issued under the Louisiana Pollution Discharge Elimination System.<sup>1</sup> These violations relate to the Fleet facility located at 1 Walnut St, New Orleans, LA, along subsegment 070301 of the Mississippi River, where Bisso provides tug-boat operations support. The violations constitute continuing violations of sections 301, and 402 of the federal Clean Water Act, 33 U.S.C. §§ 1311, 1342.

Pursuant to Bisso's permits, the company may not discharge pollutant-containing wastewater into the Mississippi River unless it complies with the permits' terms. In particular, in

---

<sup>1</sup> Bisso obtained coverage on August 4, 2014, under the Light Commercial Facilities General Permit (General Permit No. LAG480000, Authorization No. LAG480899), including the site-specific terms in Appendix A ("Commercial Permit"). The Commercial Permit was reissued effective December 1, 2015. Additionally, the authorization for the Commercial Permit granted coverage under the Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit No. LAR050000) ("Storm Water Permit"). One version of the Storm Water Permit took effect May 4, 2011, and LDEQ reissued this document effective May 9, 2016. For an unknown reason, regulators have flagged Bisso's permit authorization number as invalid in response to the monitoring reports Bisso most recently submitted.

order to protect public health and the environment, the Commercial Permit<sup>2</sup> contains maximum limits for various constituents such as biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), and fecal coliform, and the Storm Water Permit contains benchmark standards for other constituents including iron, aluminum, lead, and zinc, as set by the Louisiana Department of Environmental Quality ("LDEQ"). Moreover, in order to ensure proper compliance, the permits require Bisso to employ best management practices ("BMPs"), which necessarily include proper effluent and benchmark monitoring, as well as operating and maintaining the facility in such a way as to promptly remedy any noncompliance and ensure that the same problems do not recur in the future.

By repeatedly discharging wastewater containing levels of pollutants higher than those allowed by the Commercial Permit, failing to conduct effluent and benchmark monitoring and submit timely discharge monitoring reports ("DMRs"), and failing to use BMPs to promptly correct all deficiencies, Bisso has exposed the public and the environment to an unnecessary and unacceptable risk of harm. Bisso is in violation of the Clean Water Act and must take immediate action to come into compliance.

## **I. Identity of Complainants**

### **A. Louisiana Environmental Action Network, Inc.**

LEAN is a Baton Rouge-based umbrella organization established to promote and protect the health of Louisiana's natural environment for the use and enjoyment of the people of Louisiana. In executing its purpose, LEAN ensures that the laws and regulations of the State, intended to preserve and enhance its natural resources and environmental quality, are diligently followed in letter and in spirit. LEAN has a particular interest in the preservation and restoration of water quality in the rivers and streams of Louisiana, and in protecting its members from exposure to public health risks. In addition, LEAN's interest in water quality flows directly from the personal interests of its members who own property, live, and/or work adjacent to the affected portion of the Mississippi River, and who use those waters that receive the contaminated discharges from Bisso's Fleet facility for recreation, boating, swimming, and aesthetic enjoyment. Water pollution and threats to water quality from Bisso's Fleet facility and its repeated violation of its permit directly harm these members of LEAN. LEAN can be reached as follows:

Louisiana Environmental Action Network, Inc.  
P.O. Box 66323  
Baton Rouge, LA 70896  
Phone: (225) 928-1315

---

<sup>2</sup> References to "Commercial Permit" and "Storm Water Permit" shall include both applicable versions of each document unless otherwise differentiated by year.



## **B. Lower Mississippi RIVERKEEPER®**

The Lower Mississippi RIVERKEEPER® (“LMR”) works with local communities to address the polluted state of the Mississippi River, which travels through 31 states and drains 2,350 square miles, making it one of the most endangered rivers in the United States. LMR energizes current activists to participate in environmental decisions, and educates the public and government leaders about environmental challenges and economic opportunities regarding the Mississippi River and how reduced water pollution benefits everyone. As part of its work, LMR monitors water quality, investigates reported pollution-related incidents, and seeks to compel polluters to comply with the Clean Water Act to reduce pollution in the River for the benefit of surrounding communities’ health and the health of the environment. LMR is a member of LEAN.

Additionally, LMR is part of the international Waterkeeper Alliance, which provides a way for communities to stand up for their right to clean water and for the wise and equitable use of water resources, both locally and globally. The vision of the Waterkeeper movement is for fishable, swimmable and drinkable waterways worldwide, which the organization seeks to achieve through grassroots advocacy.

Members of LMR own property, live, and/or work adjacent to the affected portions of the Mississippi River, and use those waters that receive the contaminated discharges from Bisso’s Fleet facility for recreation, boating, swimming, and aesthetic enjoyment. Water pollution and threats to water quality from Bisso’s Fleet facility and its repeated violation of its permit directly harm these members of LMR. LMR can be reached as follows:

Lower Mississippi RIVERKEEPER®  
c/o The Louisiana Environmental Action Network  
P.O. Box 66323  
Baton Rouge, LA 70896  
Phone: 225-928-1315

## **II. Effect of the Violations on Public Resources**

The LPDES permit allows Bisso to discharge limited quantities of pollutants into the Mississippi River. As LMR recognizes:

The Mississippi River Basin is home to 1.5 million people, and over 350 industrial and municipal facilities are located adjacent to the River within the state of Louisiana. Approximately 175 of these facilities discharge wastewater into the river under the authority of state/federal permits, and of these approximately 120 facilities are located between Baton Rouge and New Orleans. Noncompliance with wastewater discharge permits by a large number of facilities along the River is widespread . . . In addition to the industrial pollution[,] when the Mississippi River flows into Louisiana it already contains a variety of chemicals including the herbicide Atrazine, which originates in stormwater runoff from agricultural fields

in mid-western states and presents a potential health hazard. This places a particular burden on the Communities from Ascension Parish to the mouth of the Mississippi River that use surface water as their only source of drinking water.<sup>3</sup>

Thus, any permit violations by Bisso cannot be viewed in isolation but also have a deleterious cumulative effect on the health of the Mississippi River and neighboring communities. Each violation compounds the preexisting threat to the residents and environment of the lower Mississippi River, which is impaired due to the activities of many industrial and agricultural users.

### **III. Legal Overview**

Section 301 of the Clean Water Act prohibits the “discharge of any pollutant by any person” without proper authorization, such as in compliance with the terms of a permit issued under Section 402. 33 U.S.C. § 1311(a). Section 402 establishes the National Pollutant Discharge Elimination System, a permitting program regulating the discharge of pollutants by industrial facilities, and provides for the issuance of such permits by individual States. 33 U.S.C. § 1342(h). In Louisiana, the issuance of such permits (known as LPDES permits) has been delegated to the Louisiana Department of Environmental Quality. Part III.A.2 of the Commercial Permit mandates compliance “with all conditions,” making “[a]ny permit noncompliance . . . grounds for enforcement action” and a violation of both the Clean Water Act and the Louisiana Environmental Quality Act.

Congress provided for enforcement of the discharge limitations in the Clean Water Act through citizen suits like the present one. Title 33 U.S.C. § 1365 permits a citizen to bring a claim for a violation of any effluent standard or limitation under the Act. Violation of an NPDES permit is a violation of an effluent standard or limitation and is actionable under the citizen suit provision of the Clean Water Act. Please note that when reporting is semi-annual, each six month period showing a violation of a parameter constitutes a separate violation of that parameter for each day during the months, or until the next valid test result demonstrating compliance is submitted. The same applies for the quarterly reporting that the facility undertakes.

### **IV. Specific Violations**

Since receiving initial permit authorization in 2014, Bisso has repeatedly violated multiple provisions of its Commercial and Storm Water Permits, including by (A) exceeding effluent limitations at Outfall 001, (B) failing to submit sampling data for Outfall 001, and (C) failing to conduct benchmark monitoring at Outfall 009.

The violations documented in this notice are based on a review of DMRs, permits, and other documents maintained in LDEQ’s Electronic Document Management System (“EDMS”) and associated with Agency Interest Number 12806.

---

<sup>3</sup> <http://lmrk.org/the-mississippi-river/>



**A. Bisso has repeatedly violated numerical effluent limitations at Outfall 001.**

Part I of the Commercial Permit requires semi-annual monitoring of certain parameters associated with Outfall 001, which consists of “treated sanitary wastewater.” The permit contains numerical limitations for each monitored constituent, including BOD, TSS, and Fecal Coliform. Bisso only submitted sampling data for two of the last six monitoring periods, with substantial exceedances throughout both of these time-spans.

Compliance with numerical standards is essential to avoiding actual harm to the environment of the Mississippi River and surrounding communities. In particular, BOD “measures the amount of oxygen consumed by microorganisms in decomposing organic matter in stream water,” and “the chemical oxidation of inorganic matter (i.e., the extraction of oxygen from water via chemical reaction) . . . The greater the BOD, the more rapidly oxygen is depleted in the [waterbody]. This means less oxygen is available to higher forms of aquatic life. The consequences of high BOD are the same as those for low dissolved oxygen: aquatic organisms become stressed, suffocate, and die.”<sup>4</sup> In addition, elevated TSS levels can lead to decreased photosynthesis and water clarity and increased water temperatures, which are harmful to the health of aquatic habitats. *Suspended solids can also clog fish gills.*<sup>5</sup> Further, high levels of fecal coliform indicate bacterial contamination associated with human waste. Exposure can cause serious illness.

The following chart reflects the eight documented<sup>6</sup> exceedances in Bisso’s short operating history:

<b>Monitoring Period</b>	<b>Constituent</b>	<b>Standard</b>	<b>Result</b>
01/01/2016-06/30/2016	BOD	30, average	66
01/01/2016-06/30/2016	BOD	45, maximum	66
01/01/2016-06/30/2016	TSS	30, average	290
01/01/2016-06/30/2016	TSS	45, maximum	290
01/01/2016-06/30/2016	Fecal Coliform	200, average	12,000
01/01/2016-06/30/2016	Fecal Coliform	400, maximum	12,000
06/01/2015-12/31/2015	Fecal Coliform	200, average	30,005
06/01/2015-12/31/2015	Fecal Coliform	400, maximum	>60,000
<b>1,520</b>	<b>Total Days in Violation</b>		

<sup>4</sup> <https://archive.epa.gov/water/archive/web/html/vms52.html>

<sup>5</sup> <http://www.fondriest.com/environmental-measurements/parameters/water-quality/turbidity-total-suspended-solids-water-clarity/#Turbid5>

<sup>6</sup> As discussed below, it is likely that this chart is underinclusive, as Bisso has failed to submit sampling data for an entire year (two semi-annual monitoring periods).

These exceedances provide evidence of the following violations:

1. Violation of the duty to comply in Part III.A.2 of the Commercial Permit;
2. Failure to “take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment,” and to “take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge” (Commercial Permit, Part III.B.2, Duty to Mitigate);
3. Failure to “at all times properly operate and maintain all facilities and systems of treatment and control” (Commercial Permit, Part III.B.3.a, Proper Operation and Maintenance); and
4. Failure to ensure “adequate operating staff which is duly qualified” with regard to permit monitoring and compliance (Commercial Permit, Part III.B.3.b, Proper Operation and Maintenance).

**B. Bisso has repeatedly failed to submit monitoring data for Outfall 001.**

Proper sampling and reporting are necessary to provide an accurate picture of Bisso’s compliance or lack of compliance with the numerical discharge limits contained within the Commercial Permit. Each and every exceedance is a violation of the permit. When Bisso fails to monitor, it becomes impossible to determine Bisso’s compliance for that monitoring period. An exceedance that occurred during an interval that Bisso failed to sample would go unnoticed and unreported. Any resulting harm to the environment would go unmitigated, and the public would receive no health-and-safety warning to limit their use of the affected segment of river.

According to the NPDES Permit Writers Manual, more frequent monitoring is especially important where there is “[a] highly variable discharge” with regard to pollutant concentration and flow.<sup>7</sup> Bisso’s discharges at Outfall 001 have shown high variability, with BOD ranging from 14 to 66, TSS ranging from 5 to 290, and fecal coliform ranging from less than 10 colonies to **greater than 60,000** colonies. Likewise, “[a] facility with problems achieving compliance generally should be required to perform more frequent monitoring to characterize the source or cause of the problems or to detect noncompliance.” *Id.* Bisso has a history of noncompliance with numerical effluent limitations at Outfall 001, as documented above, which further illustrates the importance of proper monitoring and the seriousness of its failure-to-sample and failure-to-report violations.

---

<sup>7</sup>NPDES Permit Writers Manual 8.1.3 (September 2010).



Specifically, Bisso's DMRs reflect the following sampling and reporting violations:

<b>Monitoring Period</b>	<b>Constituent</b>	<b>Standard</b>	<b>Result</b>
01/01/2017-06/30/2017	Flow	Report	No DMR submitted
01/01/2017-06/30/2017	BOD5	30, average	No DMR submitted
01/01/2017-06/30/2017	BOD5	45, maximum	No DMR submitted
01/01/2017-06/30/2017	TSS	30, average	No DMR submitted
01/01/2017-06/30/2017	TSS	45, maximum	No DMR submitted
01/01/2017-06/30/2017	Oil & Grease	15, maximum	No DMR submitted
01/01/2017-06/30/2017	Fecal Coliform	400, maximum	No DMR submitted
01/01/2017-06/30/2017	Fecal Coliform	200, average	No DMR submitted
01/01/2017-06/30/2017	pH	6, minimum	No DMR submitted
01/01/2017-06/30/2017	pH	9, maximum	No DMR submitted
07/01/2016-12/31/2016	Flow	Report	No DMR submitted
07/01/2016-12/31/2016	BOD5	30, average	No DMR submitted
07/01/2016-12/31/2016	BOD5	45, maximum	No DMR submitted
07/01/2016-12/31/2016	TSS	30, average	No DMR submitted
07/01/2016-12/31/2016	TSS	45, maximum	No DMR submitted
07/01/2016-12/31/2016	Oil & Grease	15, maximum	No DMR submitted
07/01/2016-12/31/2016	Fecal Coliform	400, maximum	No DMR submitted
07/01/2016-12/31/2016	Fecal Coliform	200, average	No DMR submitted
07/01/2016-12/31/2016	pH	6, minimum	No DMR submitted
07/01/2016-12/31/2016	pH	9, maximum	No DMR submitted
01/01/2015-06/30/2015	BOD5	30, average	Failure to sample
01/01/2015-06/30/2015	BOD5	45, maximum	Failure to sample
01/01/2015-06/30/2015	TSS	30, average	Failure to sample
01/01/2015-06/30/2015	TSS	45, maximum	Failure to sample
01/01/2015-06/30/2015	Oil & Grease	15, maximum	Failure to sample
01/01/2015-06/30/2015	Fecal Coliform	400, maximum	Failure to sample
01/01/2015-06/30/2015	Fecal Coliform	200, average	Failure to sample
01/01/2015-06/30/2015	pH	6, minimum	Failure to sample
01/01/2015-06/30/2015	pH	9, maximum	Failure to sample
07/01/2014-12/31/2014	BOD5	30, average	Failure to sample
07/01/2014-12/31/2014	BOD5	45, maximum	Failure to sample
07/01/2014-12/31/2014	TSS	30, average	Failure to sample
07/01/2014-12/31/2014	TSS	45, maximum	Failure to sample
07/01/2014-12/31/2014	Oil & Grease	15, maximum	Failure to sample
07/01/2014-12/31/2014	Fecal Coliform	400, maximum	Failure to sample
07/01/2014-12/31/2014	Fecal Coliform	200, average	Failure to sample
07/01/2014-12/31/2014	pH	6, minimum	Failure to sample
07/01/2014-12/31/2014	pH	9, maximum	Failure to sample
<b>6,945</b>	<b>Total Days in Violation</b>		

The violations detailed above demonstrate further violations of the following terms of the Commercial Permit:

1. Violation of the duty to comply in Part III.A.2 of the Commercial Permit;
  2. Failure to “take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment,” and to “take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge” (Commercial Permit, Part III.B.2, Duty to Mitigate);
  3. Failure to “at all times properly operate and maintain all facilities and systems of treatment and control” (Commercial Permit, Part III.B.3.a, Proper Operation and Maintenance);
  4. Failure to ensure “adequate operating staff which is duly qualified” with regard to permit monitoring and compliance (Commercial Permit, Part III.B.3.b, Proper Operation and Maintenance); and
  5. Violation of the requirement in Part III.D.4 of the Commercial Permit, that “[m]onitoring results shall be reported at the intervals and in the form specified . . . in this permit,” including that DMRs are due by the 28th of the month following the last date of the monitoring period.
- C. Bisso has repeatedly failed to conduct benchmark monitoring at Outfall 009 and has falsely claimed that such requirements did not apply to its facility.**

The Commercial Permit and Storm Water Permit require benchmark monitoring of certain parameters associated with Outfall 009 (industrial storm water discharges), including aluminum, iron, lead, and zinc, unless the permittee has taken steps to properly claim an exclusion. (Commercial Permit, Part I & App’x A; 2016 Storm Water Permit, Part 3, Table 3, Sector Q; 2011 Storm Water Permit, Part 6.Q).

Compliance with benchmarks is essential to avoiding actual harm to the environment of the Mississippi River and surrounding communities. In particular, excess iron, aluminum, and zinc in water can create nuisance conditions. Iron contributes to corrosion, which can have “significant economic implications,” as “[c]orrosion of distribution system pipes can reduce water flow.” Iron also contributes to scale—“a mineral deposit which builds up on the insides of hot water pipes, boilers, and heat exchangers, restricting or even blocking water flow”—and sedimentation within water distribution systems and plumbing, thereby causing further economic impacts. Moreover, iron in water has aesthetic impacts such as “stain[ing] household fixtures and impart[ing] objectionable metallic taste and red . . . color to the water supply.” Likewise, excess aluminum in water contributes to the same kind of scaling and sedimentation described above,



along with discoloration of the water.<sup>8</sup> Excess zinc also contributes to economic problems associated with staining and corrosivity, and affects the odor and taste of the receiving waters.<sup>9</sup> Moreover, high levels of zinc can cause eco-toxicity.<sup>10</sup> In humans, “[t]here is no known level of lead exposure that is considered safe.” brain and nervous system. Exposure can cause serious health complications, especially in pregnant women and developing children.

Bisso failed to conduct benchmark monitoring associated with Outfall 009 between the initial issuance of its Commercial Permit and Storm Water Permit on August 4, 2014 and the end of 2014. Benchmark monitoring must be conducted quarterly in Year 2 and Year 4 of each version of the Storm Water Permit. For the 2011 Storm Water Permit, Year 4 was 2014.<sup>11</sup>

<b>Monitoring Period</b>	<b>Constituent</b>	<b>Benchmark</b>	<b>Result</b>
10/01/2014-12/31/2014	Total Aluminum	0.75	Failure to sample
10/01/2014-12/31/2014	Total Iron	1.0	Failure to sample
10/01/2014-12/31/2014	Total Lead (freshwater)	0.122	Failure to sample
10/01/2014-12/31/2014	Total Zinc (freshwater)	0.16	Failure to sample
07/01/2014-09/30/2014	Total Aluminum	0.75	Failure to sample
07/01/2014-09/30/2014	Total Iron	1.0	Failure to sample
07/01/2014-09/30/2014	Total Lead (freshwater)	0.122	Failure to sample
07/01/2014-09/30/2014	Total Zinc (freshwater)	0.16	Failure to sample
<b>736</b>	<b>Total Days in Violation</b>		

The EDMS database contains a single DMR for Outfall 009, for the Fourth Quarter of 2014, in which Bisso inaccurately represented that “[m]onitoring was not required,” as “Year 5” of the permit was not a benchmark year. In actuality, as Part 5.3.1.4 of the 2011 Storm Water Permit explicitly states, the benchmark monitoring years include the period of time between January 1, 2014 and December 31, 2014.

Bisso’s failure to conduct benchmark monitoring for a six-month period of time in 2014—and its claim that such monitoring did not apply—demonstrate the following permit violations:

<sup>8</sup> <https://www.epa.gov/dwstandardsregulations/secondary-drinking-water-standards-guidance- nuisance-chemicals>

<sup>9</sup> <https://www.epa.gov/dwstandardsregulations/secondary-drinking-water-standards-guidance- nuisance-chemicals>

<sup>10</sup> <https://www.nature.nps.gov/hazardssafety/toxic/zinc.pdf>

<sup>11</sup> While the reissuance of the Storm Water Permit in 2016 reset the benchmarks, with Year 2 being 2017, Bisso claimed eligibility for the conditional no exposure exclusion in October 2015. See Part I, Section 1.11 of the 2016 permit.

1. Violation of the duty to comply in Part III.A.2 of the Commercial Permit;
2. Failure to “take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment,” and to “take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge” (Commercial Permit, Part III.B.2, Duty to Mitigate);
3. Failure to “at all times properly operate and maintain all facilities and systems of treatment and control” (Commercial Permit, Part III.B.3.a, Proper Operation and Maintenance);
4. Failure to ensure “adequate operating staff which is duly qualified” with regard to permit monitoring and compliance (Commercial Permit, Part III.B.3.b, Proper Operation and Maintenance);
5. Violation of the requirement in Part III.D.4 of the Commercial Permit, that “[m]onitoring results shall be reported at the intervals and in the form specified . . . in the permit,” including that DMRs are due by the 28th of the month following the last date of the monitoring period;
6. Violation of the requirement that monitoring reports must be submitted “under penalty of law that . . . the information submitted is . . . true, accurate, and complete” (Commercial Permit, Part III.D.10.d);
7. Failure to employ BMPs designed to minimize pollution from industrial storm water (2011 Storm Water Permit, Part 4.2.4.1);
8. Failure to “diligently maintain[]” non-structural control measures, including appropriate training of personnel in benchmark monitoring procedures (2011 Storm Water Permit, Part 4.2.9.3); and
9. Failure to implement a Storm Water Pollution Prevention Plan (“SWPPP”) compliant with all permit requirements (2011 Storm Water Permit, Part 4).

## **V. Remedies**

In accordance with Section 505(b) of the Act, 33 U.S.C. § 1365(b), LEAN and LMR hereby give formal notice of their intent to file suit against Bisso in federal court, after the expiration of 60 days from the date of this notice. Copies of this notice are being provided to the State of Louisiana, through its Department of Environmental Quality, the U.S. Department of Justice and the United States Environmental Protection Agency.



Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), and the regulation allowing for the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Act subjects Bisso to a penalty of up to \$32,500 per day per violations for all violations occurring up to December 6, 2013, up to \$37,500 per day per violation for all violations occurring from December 6, 2013 through November 2, 2015, and up to \$52,414 for violations occurring after November 2, 2015. This means that the maximum potential penalty for the 1,840 days of numerical standard violations alone exceeds \$340,000,000. In addition to civil penalties, LEAN and LMR will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) of the Act, 33 U.S.C. § 1365(a), and requiring Bisso to remediate any damage to the Mississippi River. Finally, LEAN and LMR will seek to recover costs and fees associated with this action, including attorneys' fees, as allowed for prevailing parties under Section 505(d) of the Act, 33 U.S.C. § 1365(d).

## **VI. Conclusion**

LEAN and LMR hope Bisso will take prompt action to remedy the violations identified in this notice letter, and will meet with Bisso to further discuss methods of compliance and answer any questions Bisso may have. Please direct all correspondence to the undersigned counsel, via the address and telephone number below.

Sincerely,



Robert Wiygul  
1011 Iberville Dr.  
Ocean Springs, MS 39564  
Phone: (228) 872-1125

cc: **Certified Mail & Return Receipt Requested**

Jeff Sessions, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**Certified Mail & Return Receipt Requested**

Scott Pruitt, EPA Administrator  
Environmental Protection Agency  
Office of the Administrator, 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0003

**Certified Mail & Return Receipt Requested**

Samuel Coleman, EPA Region VI, Acting Regional Administrator  
Environmental Protection Agency  
Fountain Place 12th Floor, Suite 1200  
1445 Ross Avenue  
Dallas, TX 75202-2733

**Certified Mail & Return Receipt Requested**

Chuck Carr Brown, Secretary Louisiana DEQ  
P.O. Box 4301  
Baton Rouge, LA 70821-4301